

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings includes changes to Figure 2. The attached "Replacement Sheet," which includes Figure 2, replaces the original sheet including Figure 2.

Figure 2 – Please add reference numeral 26 and its associated leader line and change reference numeral 47 to 46.

Attachment: Replacement Sheet

REMARKS

Claims 1, 2, 6-12 and 20 remain pending in the present application. Claims 1 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

DRAWINGS

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "47" in Figure 2. Figure 2 has been amended to overcome the objection. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Fahrnschon, et al. (EP 332827 A). Applicant respectfully traverses this rejection. Fahrnschon, et al. discloses pneumatic shock absorbers (4) which because they are associated with a leveling system are leveling shock absorbers. Enclosed is a copy of Fahrnschon, et al. which includes an English translation of the claims. As stated in Claim 1, air suspension elements (4) are for resiliently supporting the car body in relation to the vehicle axles. Thus, elements (4) depicted in the drawings are not defined as being a shock absorber, they are defined as resiliently supporting the car body in relation to the vehicle axis. The pressurized fluid supplied to elements (4) is for vehicle leveling, there is nothing in Fahrnschon, et al. that discusses vehicle damping. Even if we assume that elements (4) are leveling shock absorbers, the pressurized fluid

is supplied for leveling, it is not supplied to vary the damping characteristics of the shock absorber. The pressurized air is not supplied to the working chamber of the shock absorber because supplying pressurized fluid to the shock absorber would only increase its internal pressure and would not effect leveling since it is not possible to maintain a higher pressure on one side of the shock absorber piston due to the piston valving.

Thus, Fahrnschon, et al. discloses air springs and not shock absorbers as can be seen from the English version of Claim 1. Even if we assume that elements (4) are leveling shock absorbers, the pressurized gas is supplied to the leveling system not the shock absorber to vary its damping. Claim 1 of the present application has been amended to define that the gas disposed within the upper and lower working chambers of the working chamber are controlled. The specification defines the working chamber 50 as comprising upper working chamber 52 and lower working chamber 54 and this amendment clarifies that the pressure within the entire working chamber is controlled.

Thus, Applicant believes Claim 1 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fahrnschon, et al. in view of Miller, et al. (U.S. Pat. No. 6,637,555). Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fahrnschon, et al. in view of Grundei, et al. (U.S. Pat. No. 5,971,117) and in view of Miller, et al. Claims 2 and 12 depend from Claim 1. As stated above, Claim 1 has been amended and is now

believed to patentably distinguish over the art of record. Thus, Claims 2 and 12 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 20 has been amended in a similar manner as Claim 1. Thus, the above discussion of Fahrnschon, et al. applies here also. Thus, Applicant believes Claim 20 patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

REJOINDER

Applicant respectfully requests the rejoinder of Claims 6-11.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 12, 2006

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg